

HONORABLE BARBARA J. ROTHSTEIN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

SEATTLE DIVISION

AMBER KRABACH, an individual,

Plaintiff,

v.

KING COUNTY, a local governmental entity, JULIE WISE, in her individual capacity, and in her official capacity as Director of King County Elections; STEVE HOBBS, in his official capacity as Secretary of State of the State of Washington; and JAY INSLEE, in his official capacity as Governor of the State of Washington,

Defendants.

NO. 2:22-cv-01252-BJR

**JOINT STIPULATION AND
MOTION FOR VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE BETWEEN
PLAINTIFF AND KING
COUNTY DEFENDANTS**

I. STIPULATED MOTION.

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and Local Civil Rules 7(d)(1) and 10(g), and the Court's Standing Order [Dkt. No. 7], the parties to the above-captioned case, including the Plaintiff, AMBER KRABACH ("Plaintiff"); KING COUNTY (the "County"); and JULIE WISE, in her individual capacity and official capacity as Director of King County Elections ("Director Wise") (collectively, "King County Defendants") (the Plaintiff and King County Defendants may hereinafter be jointly referred to as the "Parties"); by and through

1 their undersigned attorneys, have stipulated to and hereby jointly request the Court's approval
 2 of a voluntary dismissal, without prejudice, of the Plaintiff's causes of action against King
 3 County Defendants, as set forth in Claims 1-6 of the Second Amended Complaint for Declaratory
 4 Relief, Injunctive Relief, and Damages (the "Second Amended Complaint") [Dkt. No. 70], as
 5 well as a voluntary dismissal, without prejudice, of King County Defendants' counter-causes of
 6 action 1 & 2, and all claims set forth in their Answer of Defendants King County and Julie Wise,
 7 Director of King Elections, to Second Amended Complaint and Counterclaims [Corrected] [Dkt.
 8 No. 90] (the "Counterclaims"), and in support thereof, further state as follows:

9 1. Plaintiff's Complaint [Dkt. No. 1] was filed on September 7, 2022, asserting
 10 claims against King County Defendants, as well as Secretary of State Steve Hobbs and Governor
 11 Jay Inslee (the "State Defendants").

12 2. On September 13, 2022, the Court issued its Standing Order for All Civil Cases
 13 (the "Standing Order") [Dkt. No. 7].

14 3. On March 28, 2023, pursuant to an Order of the Court, *see* Dkt. No. 69, the
 15 Plaintiff filed her Second Amended Complaint [Dkt. No. 70] in this matter, asserting the
 16 foregoing claims against King County Defendants, and in part, against the State Defendants that
 17 are not included as Parties to the instant stipulation for voluntary dismissal.

18 4. King County Defendants filed their Counterclaims [Dkt. No. 90] in this matter on
 19 May 23, 2023 [Dkt. No. 90].

20 5. The Plaintiff sought dismissal of King County Defendants' Counterclaims, by
 21 way of a motion filed May 2, 2023, *see* Dkt. No. 82, and King County Defendants sought
 22 dismissal of the Second Amended Complaint [Dkt. No. 70] against them, by way of a Notice of
 23 Joinder [Dkt. No. 77] in a request for dismissal filed by the State Defendants.

24 6. The Court dismissed the Plaintiff's challenge to the Electioneering Laws, against
 25 both the State Defendants and King County Defendants, *see* Dkt. No. 107, but did not dismiss
 26 any of the Plaintiff's other claims brought against King County Defendants.

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2 7. On October 25, 2023, the Court denied Plaintiff's request for dismissal of the
3 County Defendants' Counterclaims, *see* Dkt. No. 108, and subsequently, on November 8, 2023,
4 entered the Order Setting Trial Dates and Related Dates [Dkt. No. 112].

5 8. Although the Parties have engaged in discovery subsequent thereto, in
6 accordance with the foregoing case schedule, at this time they mutually desire to resolve the
7 foregoing claims brought against each other, in order to avoid the cost and uncertainty of further
8 litigation on those claims. In so doing, no party admits or acknowledges liability or fault in
9 connection with any of the claims that are the subject of this stipulated voluntary dismissal.

10 9. As such, the Parties jointly stipulate to the following terms and request the
11 Court's entry of the below stipulated Order reflecting same:

- 12 i. Claims 1-6 in the Plaintiff's Second Amended Complaint [Dkt. No. 70], to the
13 extent that they are brought against King County Defendants, should be
14 dismissed, without prejudice;
- 15 ii. King County Defendants' Counterclaims [Dkt. No. 90] against Plaintiff should
16 be dismissed, without prejudice;
- 17 iii. This Stipulation and voluntary dismissal shall not include any of the Plaintiff's
18 challenges to the Electioneering Laws brought against the State Defendants, nor
19 any other claims brought against the State Defendants in the Second Amended
20 Complaint [Dkt. No. 70], which were dismissed with prejudice on October 19,
21 2023; and
- 22 iv. The Parties shall each bear their own attorney's fees and costs with respect to this
23 matter.¹

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¹ The Parties hereby acknowledge that Director Wise's attorney's fees and costs, including those for claims brought against her in her individual capacity, have been and will continue to be paid by the County. This arrangement is not intended to and does not affect the validity of the instant stipulation concerning attorney's fees and costs.

It is SO AGREED this 28th day of December, 2023.

/s/ Ann Summers

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/s/ Robert Bouvatte

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Attorney for Plaintiff

ORDER

Having reviewed the foregoing stipulation and good cause appearing therefore, IT IS
HEREBY ORDERED:

1. The Parties' Joint Motion and Stipulation for Voluntary Dismissal Without
Prejudice is hereby GRANTED;

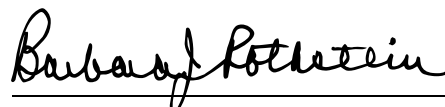
2. Claims 1-6 in the Plaintiff's Second Amended Complaint [Dkt. 70], to the extent
that they are brought against the King County Defendants, are hereby DISMISSED, without
prejudice;

3. The County Defendants' Counterclaims [Dkt. 90] against Plaintiff are hereby
DISMISSED, without prejudice; and

4. The Plaintiff and the King County Defendants shall each bear their own
attorney's fees and costs with respect to this matter.

IT IS SO ORDERED.

DATED this 2nd day of January, 2024.



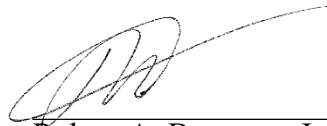
Barbara Jacobs Rothstein
U.S. District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel/parties of record. I hereby certify that no other parties are to receive notice.

Dated: December 28, 2023.

By:



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